



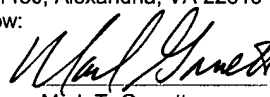
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February 4, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
February 4, 2004	
Date	Mark T. Garrett

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/003,037 entitled "COVERING SYSTEMS AND VENTING METHODS" – William D. Morgan et al.*
Our reference: IAEC:006US


Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A26, B1-B9, C1-C13.

A fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is enclosed. If an appropriate check has not been enclosed, or if it is insufficient, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/IAEC:006US.

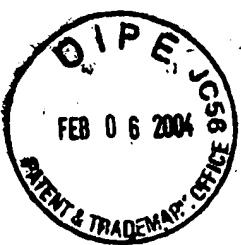
Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,


Mark T. Garrett
Reg. No. 44,699

MTG/cmb
Encl.: as noted

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
William D. Morgan *et al.*

Serial No.: 10/003,037

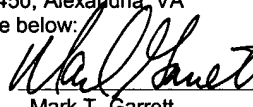
Filed: November 2, 2001

For: COVERING SYSTEMS AND VENTING
METHODS

Group Art Unit: 1723

Examiner: Krishnan S. Menon

Atty. Dkt. No.: IAEC:006US

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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February 4, 2004	
Date	Mark T. Garrett

INFORMATION DISCLOSURE STATEMENT

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

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an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Reference C2 was published and available to the public more than one year prior to the filing of this application, November 2, 2001. Reference C4 shows a system that was in public use more than one year prior to the filing date of this application, November 2, 2001.

On October 5, 2000, the inventors of this application and Sean Gallant – all employees of Industrial & Environmental Concepts, Inc. (IEC; owner of a one-half interest in this application) at the time – demonstrated the device shown in references C5-C11 to 8 Lemna Corporation employees at IEC's facility in Lakeville, Minnesota. See Morgan Declaration at ¶ 2. The demonstration took place inside IEC's warehouse, behind closed doors, and could not be viewed by anyone other than the 12 people attending. See Morgan Declaration at ¶ 2. Michael Morgan was able to speak with 7 of the 8 Lemna employees that attended the demonstration, and all of the individuals that he spoke with confirmed that, prior to November 2, 2000, they did not discuss the details of the device they saw with anyone who did not attend the demonstration. See Morgan Declaration at ¶ 3.

Features in the photographs in some of references C5-C11 have been labeled. Element A is a sheet of geomembrane material. Element B also is a sheet of geomembrane material. Sheet B is separate from sheet A. Element C is a structure shown in greater detail in references C9 and C10. In C10, the left side of element C is resting on, and is not connected to, sheet B; the right side of element C is coupled to sheet A using only the fasteners that are shown. A cross section of the relationship between sheet B, element C, and sheet A is shown in reference C12.

Element D is a structure shown in greater detail in reference C13. The openings shown in reference C13 are spaced intermittently along the length of element D, and run through all three layers of material shown in C13 at each intermittent location. The weld connecting the top piece of geomembrane (i.e., the piece positioned above the foam in C13) to the bottom piece of

geomembrane (i.e., the piece positioned below the foam in C13) was a continuous weld on both sides of element D. The weld shown in C13 that connects sheet A to element D was a continuous weld spanning the length of element D.

Elements E are sandtubes having a geomembrane outer shell that are resting on sheet A, and are shown in greater detail in C11.

Elements F are sand tubes attached by fasteners to the edge of sheets A and B. Those sand tubes are shown in the most detail in C6 and C7.

Elements G are empty, open-ended tubes attached to sheets A and B. As most clearly shown in C8, a bar was placed through some of the tubes G, and a metal cable was threaded through the bar and underneath a bent piece of rebar placed in openings in a concrete patio block. The outer material of the sand tubes F and the tubes G were made from geomembrane material.

The device shown in C5-C11 was set up outside of IEC's facility Lakeville, Minnesota on October 6, 2000. It took about 30 minutes to set up the device shown in C5-C11, and it took only a few minutes to photograph it. It is estimated that the device was outside of IEC's facility in the manner shown in C5-C11 for no more than about 30 minutes. During the entire time (including the set-up time), the entrance to IEC's facility was blocked by a truck, as shown in C5-C7. No one other than the inventors and IEC's employees set up the device or witnessed it while it was outside.

A fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is enclosed. If an appropriate check has not been enclosed, or if it is insufficient, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Account No.: 50-1212/IAEC:006US.

Applicants respectfully request that the information provided above be considered, and the listed documents be made of record in the present case.

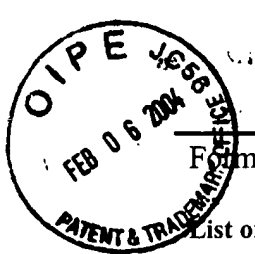
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark T. Garrett", written in a cursive style.

Mark T. Garrett
Reg. No. 44,699
Attorney for Applicants

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Date: February 4, 2004



Form PTO-1449 (modified)		Atty. Docket No. IAEC:006US	Serial No. 10/003,037
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant William D. Morgan <i>et al.</i>	
		Filing Date: November 2, 2001	Group: 1723
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 2</i>	Other Art <i>See Page 2</i>	

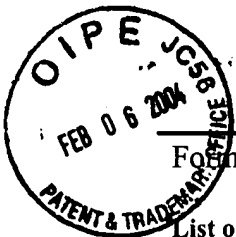
U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2,952,024	9/13/60	Bartolucci	4	503	9/12/58
	A2	3,313,443	4/11/67	Dial <i>et al.</i>	220	26	6/26/64
	A3	3,330,118	7/11/67	Biais	61	.5	1/21/65
	A4	3,683,428	8/15/72	Morris	4	172.14	6/1/70
	A5	3,862,876	1/28/75	Graves	161	44	4/2/73
	A6	3,933,628	1/20/76	Varani	210	12	7/10/74
	A7	3,980,199	9/14/76	Kays	220	227	8/16/74
	A8	3,991,900	11/16/76	Burke <i>et al.</i>	220	219	10/1/75
	A9	4,135,257	1/23/79	Lof	4	172.12	7/11/77
	A10	4,137,575	2/6/79	Klaffle <i>et al.</i>	4	172.12	6/24/77
	A11	4,139,117	2/13/79	Dial	220	218	9/30/76
	A12	4,169,050	9/25/79	Serfling <i>et al.</i>	210	12	11/3/77
	A13	4,192,025	3/11/80	Hinsperger	4	172.14	8/14/78
	A14	4,294,589	10/13/81	Zachary	55	36	12/22/77
	A15	4,438,863	3/27/84	Wilson <i>et al.</i>	220	227	8/17/81
	A16	4,503,988	3/12/85	Gerber	220	219	9/17/84
	A17	4,603,790	8/5/86	Gerber	220	219	3/11/85
	A18	4,672,691	6/16/87	De Garie <i>et al.</i>	4	499	12/6/85
	A19	4,672,691 B1	9/12/00	De Garie <i>et al.</i>	4	499	12/6/85
	A20	5,067,182	11/26/91	Koelsch	4	494	8/3/90
	A21	5,265,976	11/30/93	Russell	405	52	8/31/92
	A22	5,400,549	3/28/95	Morgan	52	23	10/22/93
	A23	5,505,848	4/9/96	Landine <i>et al.</i>	210	170	1/31/91

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EXAMINER:**DATE CONSIDERED:**

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.



Foreign PTO-1449 (modified)		Atty. Docket No. IAEC:006US	Serial No. 10/003,037
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant William D. Morgan <i>et al.</i>	
		Filing Date: November 2, 2001	Group: 1723
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 2</i>	Other Art <i>See Page 2</i>	

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A24	5,562,759	10/8/96	Morgan <i>et al.</i>	96	155	8/7/95
	A25	5,587,080	12/24/96	Landine <i>et al.</i>	210	603	12/11/95
	A26	6,136,194	10/24/00	Vogel <i>et al.</i>	210	605	1/19/99

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	CA 1,253,266	4/25/89	Canada			
	B2	CA 2,060,479	8/1/92	Canada			
	B3	CA 2,096,852	3/31/99	Canada			
	B4	CA 2,102,590	5/13/94	Canada			
	B5	CA 2,116,354	2/17/94	Canada			
	B6	CA 2,173,831	4/20/95	Canada			
	B7	CA 2,323,818	5/19/01	Canada			
	B8	CA 2,326,002	5/19/01	Canada			
	B9	DE 2004656	8/12/71	Germany			

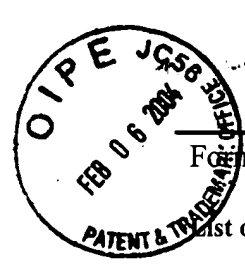
Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"Proposals for Pond Membrane," November 8, 1984.
	C2	Color copy of Lemna brochure published more than one year prior to the filing date of this application.
	C3	Parsons, "On-farm biogas production," Cooperative Extension. Northeast Regional Agricultural Engineering Service, 1984.

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C4	Depiction of structure used in public more than one year prior to the filing date of this application.
	C5	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C6	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C7	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C8	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C9	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C10	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C11	Photograph taken on October 6, 2000; labeling described in Information Disclosure Statement.
	C12	Cross-sectional depiction of portion of subject of photographs taken on October 6, 2000.
	C13	Cross-sectional depiction of portion of subject of photographs taken on October 6, 2000.

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